1992

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

# DRUGS OF DEPENDENCE (AMENDMENT) BILL (No. 5) 1992

## EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for Health

Wayne Berry MLA

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## OUTLINE

The Drugs of Dependence (Amendment) Bill (No. 5) 1992 is an amending Bill, the third of a package of three amending Bills which includes the Poisons and Drugs (Amendment) Bill 1992 and the Poisons (Amendment) Bill 1992.

This Bill amends the Drugs of Dependence Act 1989 (the Principal Act). The Principal Act controls the manufacture and sale of drugs of dependence. Drugs of dependence, prohibited substances, and drugs of dependence whose manufacture is controlled by provisions in the Principal Act are listed in Schedules 1, 2 or 3.

The purpose of the Bill is to transfer the schedules from the Principal Act to the Drugs of Dependence Regulations. This will facilitate the adoption of the recommendations of the National Health and Medical Research Council in regard to drugs of dependence.

The opportunity is also taken to facilitate prosecutions in regard to offences against the Principal Act by the introduction of evidentiary certificates.

## FINANCIAL CONSIDERATIONS

This Bill has no revenue or cost implications.

CLAUSE NOTES

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Formal Clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title and commencement of the Bill, and the definition of the Principal Act. Clauses 1, 2 and 3 will commence on the day the Bill is notified in the Gazette. The remaining clauses commence on a day or days to be fixed by the Minister by notice in the Gazette, or automatically after 6 months.

Clause 4 - Interpretation

This clause redefines a drug of dependence as being a substance in Column 1 of Schedule 1 to the Drugs of Dependence Regulations, and a prohibited substance as being a substance in Column 1 of Schedule 2 to the Drugs of Dependence Regulations, or a drug analogue. Their transfer from the Principal Act to the Regulations is to facilitate the adoption of the recommendations of the National Health and Medical Research Council in regard to drugs of dependence.

Clause 5 - Interpretation

This clause redefines a drug of dependence for the purposes of manufacture as being a prescribed substance. This is because, together with Schedules 1 and 2, Schedule 3 to the Principal Act is transferred to the Drugs of Dependence Regulations.

Clause 6 - Interpretation

This clause redefines a commercial quantity and a traffickable quantity.

Schedules 1 and 2 specify for each drug a traffickable quantity and a commercial quantity. It is administratively easier for changes to be made to these quantities in line with national standards if these quantities can be altered by regulation rather than by legislative amendment.

Clause 7: Insertion of evidentiary certificate

This clause clarifies procedures in regard to offences against the Principal Act by the introduction of evidentiary certificates. Section 173A is inserted in the Principal Act to provide for a certificate relating to the scheduling of a specified substance and signed by a drug inspector appointed under the Principal Act to be evidence of the matter stated in it. Until proven otherwise, a certificate purporting to be signed by an inspector will be assumed to have been signed by the inspector.

Clause 8: Repeal of Schedules 1, 2 and 3

This clause repeals Schedules 1, 2 and 3 to the Principal Act.